

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

In re:

Hudler Tree Farm, LLC,

Debtor.

Chapter 7

Case No. 18-50803

**APPLICATION FOR COMPENSATION  
TO GRIER WRIGHT MARTINEZ, PA**

A. Cotten Wright, the trustee in the above-referenced case (the “Trustee”), hereby files this *Application for Compensation to Grier Wright Martinez, PA* for fees and reimbursement of expenses for the period January 4, 2019 through October 4, 2019, respectfully represents as follows:

1. On January 14, 2019, the Court entered an Order on the Trustee’s application to employ the firm of Grier & Crisp, PA (“GC”) as counsel for the Trustee in this case. (D.E. 11). GCC subsequently changed its name to Grier Wright Martinez, PA (“Grier”).

2. Grier contends that it spent the following collective time in performing the services referred to herein, and it is informed and believes that its services rendered as counsel for the Trustee are reasonably worth the sum set forth below, and that it should be allowed and paid said sum as professional fees and expenses as a cost of administration of the bankruptcy estate:

A. Cotten Wright (ACW)	7.10 hrs.	@ \$380	\$2,698.00
Anna S. Gorman (ASG)	23.40 hrs.	@ \$360	\$8,424.00
Brittany Lewis (BNL)	1.10 hrs.	@ \$165	\$181.50
<b>Total Fees:</b>			<b>\$11,303.50</b>
Expenses:			\$245.29
<b>Total Fees &amp; Expenses:</b>			<b><u>\$11,548.79</u></b>

Attached hereto as **Exhibit A and Exhibit B** are a summary of the fees and expenses as set forth above. Grier has not filed any prior fee requests in this case.

4. Attached as **Exhibit C** is a background summary of each professional included in this application.

WHEREFORE, Grier requests that the court approve compensation of **\$11,303.50** and expenses reimbursed in the amount of **\$245.29** to it from the estate as a cost of administration in this matter.

This the 7th day of October, 2019.

/s/ A. Cotten Wright  
A. Cotten Wright (State Bar No. 28162)  
Grier Wright Martinez, PA  
101 North Tryon Street, Suite 1240  
Charlotte, NC 28246  
(704) 332-0207 Telephone  
(704) 332-0215 Facsimile  
[cwright@grierlaw.com](mailto:cwright@grierlaw.com)

*Attorneys for the Trustee*

***Grier Wright Martinez PA***

101 North Tryon Street  
Suite 1240  
Charlotte, NC 28246

(704) 375-3720

A. Wright

Oct 7, 2019

101 North Tryon Street Suite 1240  
Charlotte, NC 28246

ATTN:

Matter: Wrigtr/Hudler Tree Farm, LLC/19-7030

File #: 19-7030 / 14956

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jan-04-19	Review background regarding new Chapter 7 case, draft demand letter for outstanding amount due to Debtor.	0.80	288.00	ASG
Jan-07-19	Draft demand letters to many creditors of Debtors and have mailed.	0.70	252.00	ASG
Jan-08-19	Receive and respond to calls and emails regarding collection letters.	0.30	108.00	ASG
Jan-14-19	Respond to correspondences regarding demand letters for outstanding balances due.	0.20	72.00	ASG
	Draft Application to Employ for Grier & Crisp, PA. File the same. Draft proposed order for Application to Employ. Upload the same. Draft Application to Employ for Middleswarth Bowers and Co. File the same. Draft proposed order for Applicaiton to Employ. Upload the same.	0.30	49.50	BNL
Jan-15-19	Reviewed email and attachments from A.Brungot re: demand from Hall Trees Transportation that he pay for delivery invoiced by debtor; stopped payment on check for receivable. Reviewed debtor's Schedule F to verify that Hall Trees Transportation is listed as a creditor. Sent email to A.Brungot -- Hall Trees is listed as a creditor; & he can	0.10	38.00	ACW

	refer them to me check for receivable should be reissued and sent to me.			
	Reviewed emails from creditors re: UCC financing statements.	0.10	38.00	ACW
Jan-18-19	Review Auction Marketing Agreement, draft Motion to Retain Iron Horse Auction Co to liquidate personal property. Send to W. Lilly for review and signature.	0.50	180.00	ASG
	Call regarding bill from Hudler/ Trustee demand.	0.20	72.00	ASG
Jan-22-19	Receive Declaration from W. Lilly, upload Motion and Order to retain Iron Horse to auction personal property of debtor. Research transfer of timber in NC. Call with W. Lilly about same.	0.00	0.00	ASG
Jan-23-19	Receive Order authorizing entry into Auction Agreement, have Agreement executed, send all to W. Lilly with correspondence.	0.20	72.00	ASG
	Review Debtor's files on leases of land for trees. Call to W. Ivey, left message. Pull and review additional information on location of trees, leases of land.	0.80	288.00	ASG
Jan-24-19	Reveiwed email and invoice from G.Sexton, Sexton Tree Farms, re: rent due for 2018. Drafted motion for authority to pay rent.	1.00	380.00	ACW
	Call with Whitney Ivey, agriculture attorney, regarding selling planted unmaturred Christmas Trees, documentation needed, terms to retain her for special purpose. Request information from D. Hudler.	0.50	180.00	ASG
Jan-28-19	Correspondence to D. Hudler regarding information needed regarding land leases and time sensitivity of issues. Call with D. Hudler regarding background on trees on property of C. Green. Call with C. Green and D. Green regarding trees on their property in town in W. Jefferson, history, agreement with Hudler, issues moving foward with liquidation of same. Discuss with ACW. Call to W. Lilly to discuss.	1.00	360.00	ASG
Jan-30-19	Call with D. Green regarding Hudler trees	0.40	144.00	ASG

planted on his property. Correspondence to W. Ivey regarding plan to retain her firm as special counsel to draft transfer documents regarding planted trees.

Jan-31-19	Reviewed email from D.Bruton re: his meeting with creditors.	0.10	38.00	ACW
	Reviewed and responded to email from R. Hall re: claims; case assets.	0.10	38.00	ACW
	Call from D. Green regarding trees on unleased land he owns, discuss same with ACW and W. Lilly.	0.40	144.00	ASG
	Receive call D. Hudler regarding Fitzgerald lease, difficulty in finding. Search Ashe Co. ROD for same and note cannot find. D. Hudler to check once more with D. Fitzgerald, otherwise will need to enter into a lease as Trustee.	0.40	144.00	ASG
Feb-04-19	Receive correspondence from D. Green and POC filed on behalf of C. and D. Green. Discuss options to resolve with ACW. Respond to D. Green's correspondence with proposal. Draft Motion to Approve Settlement and to abandon select trees on property owned by D. Green. Document lease of real property of D. Fitzgerald where a tree stand is located, send to D. Fitzgerald for review.	2.20	792.00	ASG
Feb-05-19	Draft Ex Parte Motion and Order authorizing Trustee to execute a lease with D. Fitzgerald.	0.80	288.00	ASG
Feb-06-19	Call to D. Fitzpatrick regarding lease of real property where trees are located. Finalize Ex Parte Motion seeking authority for ACW to sign same lease. Upload proposed Order allowing same.	0.50	180.00	ASG
Feb-07-19	Receive payment from D. Green regarding sale of trees that are on his land. Finalize Motion to Sell, file and serve. Correspondence to D. Green with same.	0.60	216.00	ASG
Feb-11-19	Reviewed and responded to email from D.Bruton re: 341 meeting; liquidation of assets.	0.10	38.00	ACW

Feb-12-19	Receive executed lease by D. Fitzpatrick, have Trustee sign and have sent for filing in Ashe Co.	0.20	72.00	ASG
Feb-14-19	Correspondences with W. Ivey. Draft Application to Employ W. Ivey as Special Counsel to transfer title of Christmas Tree Stands, Declaration supporting same and send to W. Ivey for review and signature.	0.80	288.00	ASG
Feb-15-19	Reviewed and responded to email from R. Blunk re: documents she has.	0.10	38.00	ACW
	Sent email to R. Blunk re: lighting installed on Sexton property and 2019 rent. Reviewed response.	0.20	76.00	ACW
Feb-19-19	Reviewed email from R. Blunk re: exchanging lighting for rent due.	0.10	38.00	ACW
	Received updated engagment letter from W. Ivey, finalize and file Motion to Employ Special Counsel. Discuss lease assignment issue with ACW.	0.40	144.00	ASG
Feb-20-19	Receive court order authorizing retaining W. Ivey as special counsel. Send to W. Ivey with correspondence.	0.10	36.00	ASG
Feb-21-19	Email to D. Bruton re: call from T. Harmon to ASG.	0.10	38.00	ACW
	Note no objections to Motion to Sell certain trees to D. Green, draft proposed Court Order allowing same, draft Bill of Sale. Draft Motion to Assume and Assign Non-Residential Leases of three parcels of land/Leases where Debtor trees are growing. Draft Motion to Approve a Settlement with Sexton Tree Farm exchanging lighting installed for post-petition rent.	2.40	864.00	ASG
Feb-23-19	Reviewed and edited motion to assume leases.	0.30	114.00	ACW
	Reviewed and edited motion to settle as to light fixtures.	0.20	76.00	ACW
Feb-25-19	Upload Order regarding sale to D. Green. Finalize Motion to Approve Settlement with Sexton Tree Farm. Finalize Motion to Assume	1.20	432.00	ASG

Leases of land where trees are growing. File and have served.

Feb-26-19	Correspondences with W. Murphy regarding past due post-petition rent due for land leased by Debtor for Christmas Trees. Discuss with ACW. Draft Ex Parte Motion and Order for authority to pay administrative expense claim, file same.	0.80	288.00	ASG
Feb-28-19	Sent emails to S. Wilkes re: motion to approve sale and assignement of leases to him or his company.	0.10	38.00	ACW
Mar-01-19	Review, file and serve motion to sell trees and assign leases.	0.30	49.50	BNL
Mar-04-19	Reviewed voicemail message from S. Wilkes re: alleged misrepresentation as to trees. Call with W. Lilly.	0.20	76.00	ACW
Mar-05-19	Reviewed email to S. Wilkes- he will honor his bid.	0.10	38.00	ACW
	Call with L. Murphy regarding bidder on trees.	0.20	72.00	ASG
Mar-06-19	Corresondences with W. Ivey, send her information needed to transfer tree stands.	0.40	144.00	ASG
Mar-11-19	Draft Proposed Court order regarding settlement with Sexton Tree Farm as no objections filed.	0.30	108.00	ASG
Mar-14-19	Finalize Order regarding Settlement with Sexton Tree Farm and upload same for consideration. Correspondence with S. Groce, closing attorney regarding logistics of closing.	0.30	108.00	ASG
Mar-15-19	Draft proposed Court Order authorizing assumption of land leases where Christmas Trees are growing and upload for consideration. Also draft proposed Court Order authorizing assignment of leases and sale of Christmas Trees.	0.80	288.00	ASG
Mar-18-19	Receive Order re settlement with Sexton Tree farm, send to R. Blunk.	0.10	36.00	ASG
Mar-19-19	Correspondence to W. Ivey with information	0.40	144.00	ASG

	needed to close and update on sale order which is pending.			
Mar-20-19	Update proposed Order regarding assumption of leases and sale of Christmas Trees and upload same for consideration.	0.20	72.00	ASG
Mar-21-19	Receive Order authorizing Sale of trees and assignment of leases. Send to W. Ivey, closing attorney with correspondence. Send to purchaser at auction with correspondence about documenting sale. Send to landlords of Leases with correspondence about next steps. Correspondence with W. Lilly about closing.	0.50	180.00	ASG
Mar-26-19	Receive and review sale document from W. Ivey, correspondences with W. Ivey and W. Lilly. Call with W. Lilly.	0.40	144.00	ASG
Mar-27-19	Correspondences with W. Ivey regarding closing, call with W. Ivey, receive and have Sale Document executed. Draft cover letter re same. Receive and review Distribution Sheet.	0.70	252.00	ASG
Mar-28-19	Correspondence with W. Ivey regarding closing.	0.20	72.00	ASG
Mar-29-19	Receive Disbursement Sheet, have ACW sign and return, correspondence regarding filed closing documents and proceeds of sale.	0.30	108.00	ASG
Apr-07-19	Reviewed email from B.Laney with letter from C.Ivey attached. Sent email to E.Bowers re: undisclosed transfers.	0.20	76.00	ACW
Apr-08-19	Reviewed email from E.Bowers re: transfers. Sent email to B.Laney & C.Ivey re: investigation of transfers.	0.20	76.00	ACW
Apr-17-19	Receive file stamped transfer documents and correspondence from W. Ivey. Draft and file Fee Application for Adams and Ivey as Special Counsel.	0.80	288.00	ASG
Apr-22-19	Reviewed email from R. Blunk re: Sexton proof of claim.	0.10	38.00	ACW



Totals	26.00	\$9,311.00
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**FEE SUMMARY:**

Lawyer	Hours	Effective Rate	Amount
A. Cotten Wright	3.40	\$380.00	\$1,292.00
Anna S. Gorman	22.00	\$360.00	\$7,920.00
Brittany Lewis	0.60	\$165.00	\$99.00

**DISBURSEMENTS**

		Disbursements	Receipts
Jan-31-19	Computer Assisted Research Pacer Service	1.90	
	Computer Assisted Research Pacer Service	0.10	
	Computer Assisted Research Pacer Service	0.10	
	Computer Assisted Research Pacer Service	0.40	
	Computer Assisted Research Pacer Service	0.30	
	Computer Assisted Research Pacer Service	1.70	
Feb-07-19	USPS.com/Wright-Hudler Tree Farm 19-7030	1.00	
Feb-12-19	Postage	0.50	
Feb-14-19	Ashe ROD/recording fees/ACW-Hudler 19-7030	26.00	
	FedEx	28.43	
Feb-28-19	Postage	2.60	
	Photocopy Charge	22.00	
	Computer Assisted Research Pacer Service	3.50	
	Computer Assisted Research Pacer Service	0.40	
	Computer Assisted Research Pacer Service	0.70	
	Computer Assisted Research Pacer Service	0.30	
Totals		\$89.93	\$0.00

<b>Total Fees &amp; Disbursements</b>	<b>\$9,400.93</b>
Previous Balance	\$0.00
Previous Payments	\$0.00
<b>Balance Due</b>	<b>\$9,400.93</b>

**Please make check payable to Grier Wright Martinez PA**

TRUST STATEMENT

		Disbursements	Receipts
Feb-20-19	Received From: Derek C Green		200.00
	Derek C Green 19-7030		
Feb-26-19	Paid To: A. Cotten Wrigh, Trustee for Hudler Tree Farm	200.00	
	ACW Tr/move sale proceeds/Hudler 19-7030		
	Total Trust	\$200.00	\$200.00
	Trust Balance		\$0.00



## Grier Wright Martinez, PA

101 N. Tryon St., Suite 1240  
Charlotte, NC 28246  
Phone: (704) 375-3720  
www.grierlaw.com

## STATEMENT

Statement # 50  
Date: 10/07/2019  
Due On: 11/01/2019

A Cotten Wright

**19-7030/WRIGTR**

**Trustee for Hudler Tree Farm, LLC**

### Services

Date	Notes	Attorney	Quantity	Rate	Total
05/08/2019	Draft Court Order allowing Adams & Ivey's professional fees as special counsel to the Trustee.	ASG	0.20	\$360.00	\$72.00
05/13/2019	Upload proposed Court Order to pay fees of Special Counsel.	ASG	0.10	\$360.00	\$36.00
07/25/2019	Reviewed claims filed in the case and began drafting claims report and objection.	ACW	1.80	\$380.00	\$684.00
07/30/2019	Completed draft claim report and arranged for filing and service.	ACW	0.20	\$380.00	\$76.00
07/30/2019	Reviewed and responded to email from R. Blunk re: amended proof of claim.	ACW	0.20	\$380.00	\$76.00
07/31/2019	Reviewed letter from C.Ivey and report from M.Bowers re: transfers. Reviewed schedules re: claims for Life Store Bank. Reviewed proof of claim filed by Life Store Bank. Conference with ASG re: transfers to D.Hudler for draw; transfer to Life Store Bank.	ACW	0.80	\$380.00	\$304.00
08/01/2019	Review and provide input into letter to LifeStore Bank's counsel including review of transfer history.	ASG	0.30	\$360.00	\$108.00

08/20/2019	Reviewed letter from C. Ivey re: check to Life Store Bank.	ACW	0.10	\$380.00	\$38.00
08/27/2019	Sent email to M. Bowers re: letter from C. Ivey re: payment to Life Store Bank. Sent email to C. Ivey.	ACW	0.10	\$380.00	\$38.00
08/29/2019	Reviewed report by M. Bowers re: transfer to Business Backer. Confirmed that Business Backer was properly secured at time of transfers. Noted post-petition transfers. Requested ASG research whether post-petition transfer is recoverable.	ACW	0.30	\$380.00	\$114.00
08/29/2019	Research threshold for recovery of post-petition transfer. Email to ACW re: same.	ASG	0.30	\$360.00	\$108.00
08/30/2019	Email correspondence with R. Hall re: claims report.	ACW	0.20	\$380.00	\$76.00
09/05/2019	Review letter of M. Bowers regarding payments within 90 days of Petition Date, review UCC filings of Business Backer, review Schedules, Report of Sale, and determine no estate assets to be recovered, discuss with ACW.	ASG	0.50	\$360.00	\$180.00
10/04/2019	Draft application for compensation to Grier Wright Martinez, PA. Draft proposed order re same. Draft application for compensation to Middleswarth Bowers & Co.. Draft proposed order re same. Draft notice of opportunity for hearing re applications for compensation.	BLF	0.50	\$165.00	\$82.50
				<b>Quantity Subtotal</b>	<b>5.6</b>
				<b>Services Subtotal</b>	<b>\$1,992.50</b>

## Expenses

Date	Notes	Quantity	Rate	Total
03/31/2019	Online Research - Pacer: Pacer - Computer Assisted Research	1.00	\$2.50	\$2.50
04/17/2019	Copies: Notice of Opportunity for Hearing Adams & Ivey Compensation	1.00	\$21.50	\$21.50
04/17/2019	Postage: Notice of Opportunity for Hearing Adams & Ivey Compensation	1.00	\$21.50	\$21.50
04/30/2019	Online Research - Pacer: Pacer - Computer Assisted Research	1.00	\$2.00	\$2.00
07/31/2019	Online Research - Pacer	1.00	\$23.50	\$23.50
09/13/2019	Mileage: mileage to court hearing 17-7030	1.00	\$24.36	\$24.36
10/04/2019	Postage: Estimated Postage for Notice of Opportunity for Hearing	1.00	\$30.00	\$30.00
10/04/2019	Copies: Estimated Copies for Notice of Opportunity for Hearing	1.00	\$30.00	\$30.00
Expenses Subtotal				\$155.36

Time Keeper	Quantity	Rate	Total
Anna S. Gorman	1.4	\$360.00	\$504.00
A. Cotten Wright	3.7	\$380.00	\$1,406.00
Brittany L. Franklin	0.5	\$165.00	\$82.50
Quantity Total			5.6
Subtotal			\$2,147.86
Total			\$2,147.86

## Detailed Statement of Account

### Current Statement

Statement Number	Due On	Amount Due	Payments Received	Balance Due
50	11/01/2019	\$2,147.86	\$0.00	\$2,147.86
Outstanding Balance				\$2,147.86
Total Amount Outstanding				\$2,147.86

### Trust Account

Date	Type	Notes	Matter	Receipts	Payments	Balance
Trust Account Balance					\$0.00	

Please make all amounts payable to: Grier Wright Martinez, PA



## **A. COTTEN WRIGHT**

### **Admissions**

- North Carolina State Bar (2001)
- U.S. District Courts for the Western District, Middle and Eastern Districts of North Carolina
- U.S. Court of Appeals, Fourth Circuit
- U.S. Supreme Court

### **Education**

- Jacksonville University (B.A., magna cum laude, 1973)
- University of North Carolina (J.D., 2001); North Carolina Journal of International Law & Commercial Regulation

### **Areas of Practice**

- Bankruptcy, Debtor/Creditor and Business Workouts
- Bankruptcy, Trustee, Chapters 7 and 11
- Receiverships
- Mediation

### **Certification / Specialization**

- Board Certified Specialist in Business Bankruptcy Law by the North Carolina State Bar
- Certified as a Business Bankruptcy Specialist by the American Board of Certification
- Certified by the North Carolina Dispute Resolution Commission to conduct mediated settlement conferences in Superior Court civil actions

### **Honors and Awards**

- Martindale-Hubbell, AV Preeminent Peer Review Rated
- Named to North Carolina Super Lawyers (Bankruptcy & Creditor / Debtor Rights), 2012- 2014

### **Memberships**

- Mecklenburg County Bar Association
- North Carolina Bar Board of Legal Specialization
- North Carolina Bar Association
- North Carolina State Bar
- American Bar Association
- American Bankruptcy Institute
- National Association of Bankruptcy Trustees

### **Representative Cases**

- *In re Jenkins*, 507 B.R. 856 (W.D.N.C. 2014), *rev'd by In re Jenkins*, 784 F.3d 230 (4th Cir. 2015); *In re Jenkins*, 2012 WL 6186347 (Bankr. W.D.N.C. Dec. 12, 2012); *In re Hickory Printing Group, Inc.*, 469 B.R. 623 (Bankr. W.D.N.C. 2012); *In re Pacific Ave., LLC*, 2010 WL 3911345 (Bankr. W.D.N.C. Dec. 1, 2010); *Blue Cross and Blue Shield of North Carolina v. Jemsek Clinic, P.A., et al. (In re Jemsek)*, 441 B.R. 756 (Bankr. W.D.N.C. 2010); *In re Kuebler*, 2010 WL 2540298 (Bankr. W.D.N.C. Jun. 21, 2010); *In re Omar*, 2008 WL 822492 (W.D.N.C. 2008); *Rouse v. Ward*, 2008 WL 5054242 (Bankr. M.D.N.C. 2008); *In re Stafford*, 357 B.R. 730 (Bankr. W.D.N.C. 2006)

[Updated April 2016]



## **ANNA S. GORMAN**

### **Education**

- University of North Carolina, Chapel Hill (B.S., 1989)
- Campbell University School of Law (J.D., 1994)

### **Memberships**

- Mecklenburg County Bar Association
- North Carolina Bar Association
- North Carolina State Bar
- American Bankruptcy Institute

### **Representative Cases**

- *Educational Credit Management Corp. v. Waterhouse*, 333 B.R. 102 (W.D.N.C. 2005)
- *Educational Credit Management Corp. v. Gouge*, 320 B.R. 582 (W.D.N.C. 2005)
- *In re: Pritzel*, 287 B.R. 152 (E.D.N.C. 2002)
- *G.E. Capital Mortg. Services, Inc. v. Neely*, 135 N.C. App. 187, 519 S.E.2d 553 (1999)

### **Concentration**

- Bankruptcy/workouts for troubled businesses and individuals associated with those businesses
- Represent State and Federally appointed Receivers and Trustees
- Defend parties in bankruptcy litigation including preferential transfer and fraudulent transfer actions

### **Recognition**

- Martindale-Hubble, AV Preeminent Peer Review Rated

### **Admissions**

- North Carolina State Bar (1994)
- U.S. District Courts for the Western District, Middle and Eastern Districts of North Carolina